

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**CLIFTON R. SIMPSON,  
Plaintiff,**

**v.**

**UNITED STATES OF AMERICA,  
Defendant.**

**Civil Action No. 2:20cv\_\_\_\_\_**

*In re: Clifton R. Simpson v. Stephanie Delette  
Waithe, Case No. GV20020367-00, General  
District Court for the City of Norfolk*

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that the United States of America files this Notice of Removal with the U.S. District Court for the Eastern District of Virginia, Norfolk Division, and in support thereof respectfully represents as follows:

1. Stephanie Delette Waithe, an employee of the United States Postal Service (“USPS”) in Norfolk, Virginia, has been named as a defendant in an action styled *Simpson v. Waithe*, GV20020367-00, which is pending in the City of Norfolk General District Court and in which no trial has yet occurred. The U.S. District Court for the Eastern District of Virginia embraces the place in which the state court action is pending.

2. On October 28, 2020, Clifton R. Simpson filed a warrant in debt (civil claim for money) against Ms. Waithe in the City of Norfolk General District Court. *See* Ex. 1.<sup>1</sup> Ms.

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<sup>1</sup> The cover letter to the Norfolk General District Court clerk enclosing Mr. Simpson’s warrant in debt is dated October 22, 2020, *id.*, but the Norfolk General District Court’s online case information system indicates that the action was not filed until October 28, 2020, *see* <https://eapps.courts.state.va.us/gdcourts> (search by Norfolk General District Court, Case Number Search: GV20020367-00) (last accessed Nov. 24, 2020).

Waithe is employed by USPS as a mail carrier. In the warrant in debt, Mr. Simpson alleges he sustained “personal injuries” resulting from an “auto accident” purportedly caused by Ms. Waithe’s “negligence.” *Id.* at 2. The warrant in debt seeks \$25,000 in damages, plus interest and costs. *Id.* Mr. Simpson’s claim is set for a hearing in Norfolk General District Court on December 4, 2020, at 9:00 A.M. *Id.*

3. In accordance with 28 U.S.C. § 2679, and by virtue of the authority vested in him under 28 C.F.R. § 15.4, the U.S. Attorney for the Eastern District of Virginia has certified that Ms. Waithe was acting within the scope of her employment as an employee of the United States at the time of the incident out of which Mr. Simpson’s claim arose. *See* Ex. 2.

4. The above-styled action is one that may be removed to this Court pursuant to 28 U.S.C. §§ 1346(b), 1446 and 2679, in that Mr. Simpson has initiated suit for money damages for injury and/or loss of property caused by the allegedly negligent or wrongful act or omission of an employee of the United States while acting within the scope of her office or employment. The action therefore lies exclusively against the United States of America, and this Court has exclusive jurisdiction of the action.

5. A copy of this notice is being hand-delivered on today’s date to the Clerk of the City of Norfolk General District Court for filing, pursuant to 28 U.S.C. § 1446(d).

Respectfully submitted,

UNITED STATES OF AMERICA,  
Defendant

G. ZACHARY TERWILLIGER  
United States Attorney

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*Counsel for United States of America*

**CERTIFICATE OF SERVICE**

I hereby certify that, on the 24th day of November, 2020, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of electronic filing (NEF) to all registered e-filers.

I hereby certify that, on this 24th day of November, 2020, I will cause a true and correct copy of the foregoing document to be mailed by U.S. first class mail, postage prepaid, addressed to the following:

Robert C. Neeley, Jr., Esq.  
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Norfolk, Virginia 23514  
*Counsel for Plaintiff Clifton R. Simpson*

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